

# Staff Summary Report



To: Mayor & City Council  
Through: City Manager

Agenda Item Number 22  
Meeting Date: 07/26/01

**SUBJECT:** SOUTHERN TEMPE PLAZA (WENDY'S) #SBD-2001.52 #SGF-2001.51

**PREPARED BY:** Hector Tapia, Senior Planner (480-350-8331)

**REVIEWED BY:** Dave Fackler, Development Services Manager (480-350-8333)

q-j

**BRIEF:** This is the first public hearing for Southern Tempe Plaza for an Amended Final Subdivision Plat and an Amended General and Final Plan of Development to create new property boundaries for existing buildings at 2704 West Southern Avenue.

**COMMENTS:** **PLANNED DEVELOPMENT (0406)** Hold the first public hearing for **SOUTHERN TEMPE PLAZA (WENDY'S)** (Eric Kaufman, property owner) to create new property boundaries for existing buildings at 2704 West Southern Avenue. The following approvals are requested from the City of Tempe:

**#SBD-2001.52** An Amended Final Subdivision Plat consisting of 2 lots on 1.26 acres.

**#SGF-2001.51** An Amended General and Final Plan of Development consisting of 10,789 s.f. building area on 1.26 net acres, including the following:

Variance:

1. Reduce the minimum required side yard building setback for lots 1 and 2 from 40' to 11'.
2. Reduce the minimum required parking from 83 spaces to 69 spaces.

Document Name: 20010726devsrh10

Supporting Documents: Yes

**SUMMARY:** This request is for an Amended General and Final Plan of Development for Southern Tempe Plaza. In addition, it includes a variance to reduce the minimum required side yard building setback from 40 feet to 11 feet, between lots 1 and 2, a variance to reduce the minimum parking required from 83 spaces to 69 spaces, and a Final Subdivision Plat for two lots. This application was initiated due to the property owner's intention to sell the site area where Wendy's restaurant is located. All buildings are existing and lot 1 would include the retail/restaurants building and Wendy's would be located in lot 2. Parking will continue to be shared between the two new lots. Since no changes has been proposed to existing businesses or existing buildings, staff feels that the requested variances should not be a detriment to existing tenants or adjacent property owners. On July 10, 2001, Planning Commission approved this request on their consent agenda. Staff recommends approval subject to conditions. To date no public input has been received.

**RECOMMENDATION:** Staff - Approval  
Public - None

- ATTACHMENTS:**
1. List of Attachments
  2. History & Facts / Description
  3. Comments
  4. Conditions of Approval
- 
- A. Location Map
  - B. Letter of Explanation/Intent
  - C. Amended General and Final Plan of Development
  - D. Amended Final Subdivision Plat
  - E. Letter of Authorization

## **HISTORY & FACTS:**

November 8, 1973.	City Council approved a rezoning of this site to I-1, I-2, and PCC-1.
March 2, 1978.	City Council approved a rezoning from a portion of the PCC-1 to I-1.
June 15, 1978.	City Council approved a General and Final Plan of Development for the PCC-1 portion.
July 28, 1982.	The Board of Adjustment approved a parking variance from 69 to 66 spaces.
November 24, 1982.	The Board of Adjustment approved a parking variance from 76 to 68 spaces for subway.
May 28, 1998.	City Council approved a request for Patrick's Sports & Munchies for an Amended General and Final Plan of Development including a use permit for a 2,088 s.f. pool hall and a variance to reduce the minimum required parking spaces from 83 to 78 spaces in the PCC-1 Zoning District.
June 26, 2001.	Planning Commission continued this request until July 10, 2001.
July 10, 2001.	Planning Commission approved this request for an Amended Preliminary and Final Plan of Development for Southern Tempe Plaza (Windy's), a side yard building setback variance, a Final Subdivision Plat for two lots, and a parking variance.

**DESCRIPTION:** Owner – Eric Kaufman, Southern Retail Center, L.L.C.  
Applicant – Mark Abel  
Architect - Mark Abel Architect & Associates  
Existing zoning – PCC-1  
Total site area – 1.27 net acres  
Number of lots proposed - 2  
Total bldg. area – 10,789 s.f.  
Lot coverage – 19.5%  
Parking required – 83 spaces  
Total Parking provided – 69 spaces (requested variance)  
Bicycle parking required – 6 spaces  
Bicycle parking provided – 6 spaces  
Landscaping – 15.7%

**COMMENTS:** This request is for an Amended General and Final Plan of Development for Southern Tempe Plaza. In addition, it includes a variance to reduce the minimum required side yard building setback from 40 feet to 11 feet, between lots 1 and 2, a variance to reduce the minimum parking required from 83 spaces to 69 spaces, and a Final Subdivision Plat for two lots.

This application was initiated due to the property owner's intention to sell the site area where Wendy's restaurant is located. All buildings are existing and lot 1 would include the retail/restaurants building and Wendy's would be located in lot 2. Parking will continue to be shared between the two new lots.

**Variances:**

The side yard building setback variance is due to the new proposed imaginary property line between the two existing buildings. This variance is typically referred as a technical variance when lease or property lines are created within shopping centers. This most commonly occur in the PCC-1 and PCC-2 Zoning districts. The building setbacks required in these zoning districts are big enough that would create a detriment to the property owner. The technicality comes since variances must be applied but with little or no impact on existing conditions.

The second variance to reduce the minimum required parking spaces from 83 to 69 is not new to this property. As noted in the history and background section of this report, per Ordinance 808, this site has been always short in parking required but it functions properly, meeting the owner's and tenants needs. The impact from this request should be little if any.

Since no changes has been proposed to existing businesses or existing buildings, staff feels that the requested variances should not be detrimental to existing tenants or adjacent property owners. On July 10, 2001, Planning Commission approved this request on their consent agenda. Staff recommends approval subject to conditions. To date no public input has been received.

**REASON(S) FOR  
APPROVAL:**

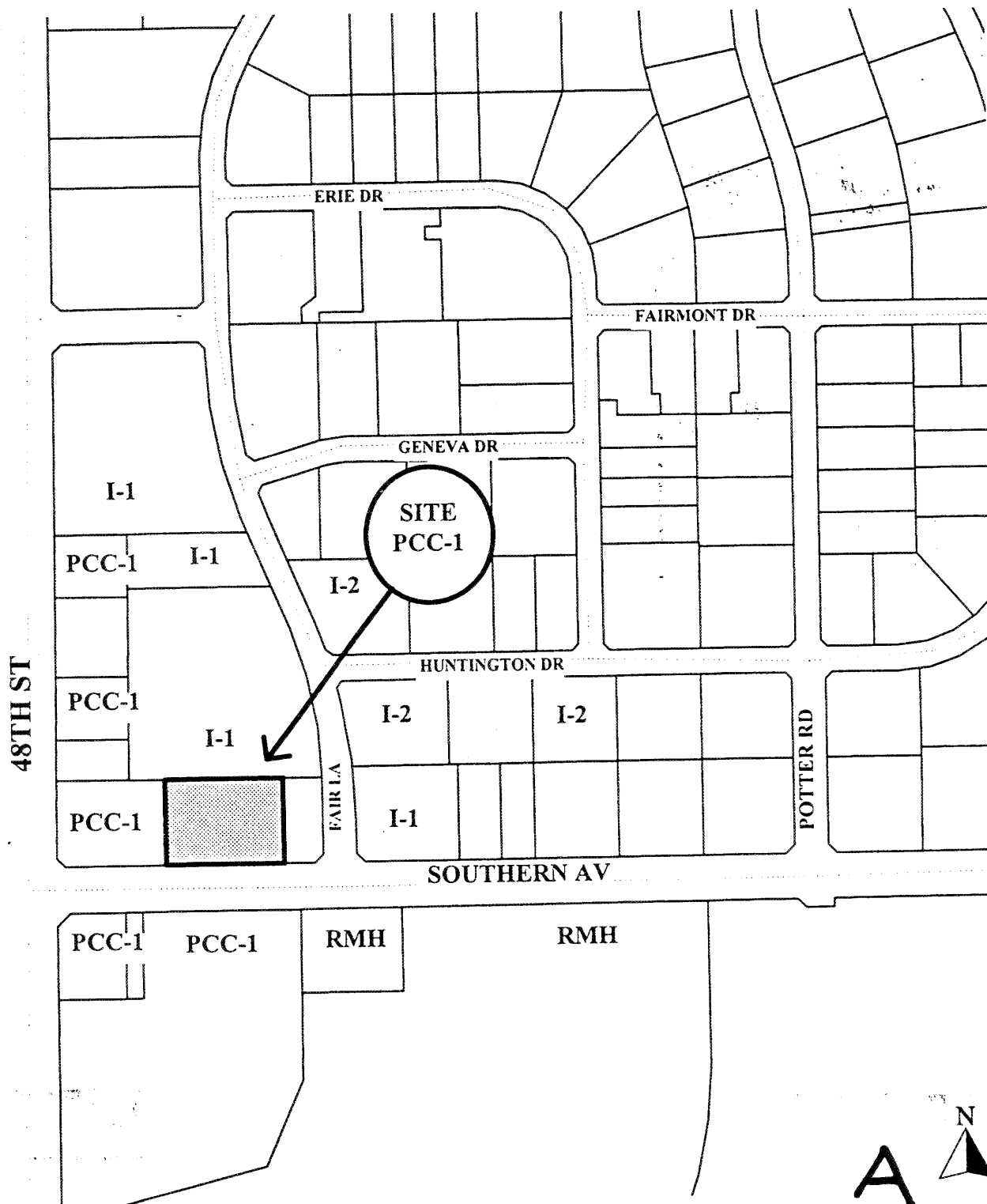
1. The requested variances appear not detrimental to existing tenants or adjacent property owners.
2. No changes on existing buildings or on businesses are requested in this application.

**CONDITION(S)  
OF APPROVAL:**

1. No variances may be created by future property lines without the prior approval of the City of Tempe.
2. A Final Subdivision Plat and the Amended General and Final Plan of Development shall be recorded within one year or the variances shall be deemed null and void.
3. This plan shall show cross access to be maintained throughout this site over the driving aisles. No changes or modifications to the driving aisles will be allowed without the prior approval of the Engineering Department.

**SOUTHERN TEMPE  
PLAZA- (WENDY'S)**

**SGF-2001.51  
SBD-2001.52**



**Location Map SEE OTHER SIDE FOR MORE INFORMATION**

May 29, 2001  
July 02, 2001 (Rev.)

**SUBJECT:  
VARIANCE REQUEST,**

**SOUTHERN TEMPE PLAZA  
2704, 2710, 2714, 2718, 2726, 2730, WEST SOUTHERN AVENUE  
TEMPE, ARIZONA**

**Project Description:**

The subject site is zoned PCC-1, (Retail, Shops and Restaurant). The proposed project includes one 8,400 sq. ft. shops building and one 2,389 sq. ft. drive through restaurant building. The project is located east of the N.E.C. of 48<sup>th</sup> Street and Southern Avenue.

**Variance Request:**

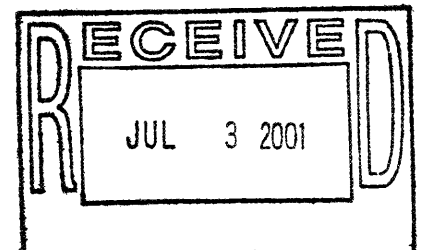
1. Variance request to reduce the east sideyard building setback at Lot #1, from: 40' required, to: 11' proposed, to allow for lot split.
2. Variance request to reduce the west sideyard building setback at Lot #2, from: 40' required, to: 11' proposed, to allow for lot split.
3. Variance to reduce parking from: 83 required, to: 69 existing.

**Variance Justification:**

The existing Final of Development for Southern Tempe Plaza, as approved, provides a separation of approximately 22' between the two existing buildings. The proposed lot split places a new property line equal distance between the two existing buildings, allowing for separate ownership of each property. Existing approved parking will remain at 69 spaces. Approval of these variance request causes no functional or aesthetic change to the existing approved retail center.

We submit that, based on the above stated issue, approval of the requested Variances will not adversely effect the surrounding property owners or adjacent property users, in any significant way. Consideration of this request is very much appreciated.

Submitted by: Mark Abel, Principal  
Mark Abel Architect and Associates

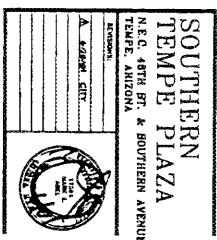


**MARK ABEL ARCHITECT AND ASSOCIATES**  
4500 SOUTH LAKESHORE DRIVE SUITE 580, TEMPE, ARIZONA 85282 (480) 838-3374

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A PORTION OF THE SOUTHWEST QUARTER OF SECTION  
29, TOWNSHIP 1 NORTH, RANGE 4 EAST OF THE GILA AND  
SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY,  
ARIZONA.

## D

IN WITNESS WHEREOF, I have hereunto set my hand and the seal of said court, at \_\_\_\_\_, this \_\_\_\_\_ day of \_\_\_\_\_, 2001.

STATE OF ARIZONA }  
COUNTY OF MARICOPA } ss  
  
ACKNOWLEDGED BEFORE ME, THE UNDERSIGNED, THIS DAY OF \_\_\_\_\_, 2007, BY \_\_\_\_\_ WHO ACKNOWLEDGED HERSELF TO BE OWNER OF THE SUBJECT PROPERTY, EXECUTED THIS INSTRUMENT FOR THE PURPOSE HEREIN CONTAINED.  
  
IN WITNESS WHEREOF,  
I HEREBY SET MY HAND AND OFFICIAL SEAL.

APPROVED BY THE ATTORNEY AND CITY CLERK OF THE CITY OF TEMPE, ARIZONA ON THIS _____ DAY OF _____ 2001.	
BY _____ CITY CLERK	DATE _____
BY _____ CITY ENGINEER	DATE _____
BY _____ DEVELOPMENT SERVICES	DATE _____

I, G. BRYAN GELTZMAN, of the City of, and a Resident Landowner in the State of Arizona, and that the plat shown herein was completed under my direct supervision during the month of May, 2001, and is true and correct to the best of my knowledge and belief and the information shown actually exist.

G. BRYAN GELTZMAN  
 R.L.S. #1020

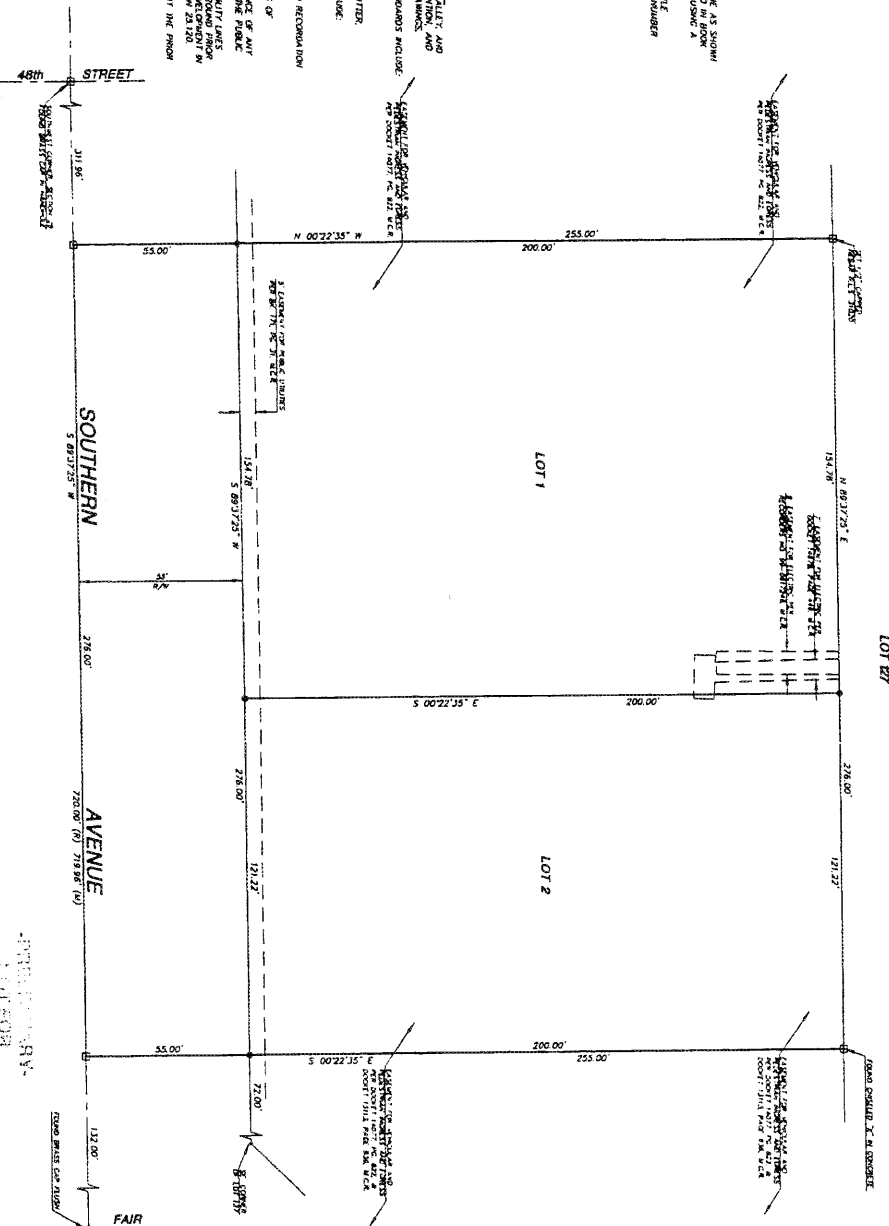
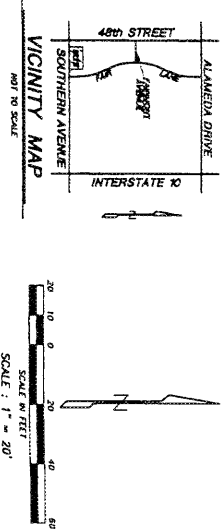
**Superior  
Surveying  
Services, Inc.**  
21415 North 23rd Avenue  
Phoenix, Arizona 85027  
Phone (602) 869-0223  
Fax (602) 869-0726  
[info@superior-surveying.com](mailto:info@superior-surveying.com)

SOUTHERN TEMPE PLAZA, 48th STREET & SOUTHERN AVENUE, TEMPE, ARIZONA

SRD-2001-52

MAY 29 2001

2) ALL THE INFORMATION SHOWN IS BASED ON A COMPLAINT FOR RILE INSURANCE ISSUED BY STEVEN HILL GUNDAWITZ COMPANY, ORDER NUMBER 01010101, DATED JANUARY 28, 2001.

[illegible][illegible]

**SOUTHERN RETAIL CENTER L.L.C.**

512 E. Van Buren #5  
Phoenix, Az. 85004

5.25.01

To: City of Tempe  
Planning and Code Compliance Division /  
Development Services Department

From: Eric Kaufman  
Southern Retail Center L.L.C.

Re: Sale of Wendy's Building located at 2704 West Southern  
Tempe, Az. 85282

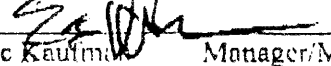
Dear Madams & Sirs:

Letter this document serve as notice that Southern Retail Center L.L.C. is hereby giving  
Mark Abel Architect & Associates authorization to submit for the following:

1. Revised Plat.
2. Final plat of development and related variance submittal.

Respectfully,

Southern Retail Center L.L.C.

By   
Eric Kaufman Manager/Member

MAY 29 2001

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